

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

AMIE LITTLEFIELD,)
)
Plaintiff,)
) Cause No: 4:21-CV-304-SEP
vs.)
)
AMERICAN ALTERNATIVE INSURANCE)
CORPORATION,)
)
Defendant.)

***DEFENDANT’S STATEMENT OF UNCONTROVERTED
MATERIAL FACTS***

COMES NOW, Defendant American Alternative Insurance Corporation (“Defendant”),
and for its Statement of Uncontroverted Material Facts, states:

1. Defendant issued Policy Number VFIS-CM-1050492-03/000 to Monarch Fire Protection District for the policy period 02-01-2010 to 02-01-2011 (“Policy”). Ex. A.
2. Plaintiff was in the back of an ambulance at the time the ambulance came to a stop in St. Luke’s Hospital tunnel and parking area. Ex. B, Amie Littlefield Dep. 31:2–33:20, Jan. 31, 2022; Ex. C, Adam Coughlin Dep. 21:20–23:22, 48:6–11, Jan. 27, 2022.
3. Plaintiff did not see the phantom vehicle at issue in this case. *Id.* at 31:2–33:20.
4. The phantom vehicle reversed out of a parking space a foot or two in a slow manner before both the ambulance and the phantom vehicle stopped. Ex. C, Coughlin Dep. 59:6–60:21.
5. The behavior of the phantom vehicle was consistent with slowly backing out of the position until the operator could see if a vehicle were coming or going. *Id.*
6. Firefighter Coughlin did not recall whether there were vehicles in the parking spaces to the right or left of where the phantom vehicle was reversing. *Id.* at 26:17–20.

7. Firefighter Coughlin was driving at no more than five miles per hour before he moved his foot from the gas pedal to the brake. *Id.* at 25:2–24.
8. Firefighter Coughlin did not believe the phantom vehicle was being careless. *Id.*
9. Police were not notified of the subject incident. Ex. D, Plaintiff’s Answer to Defendant’s First Set of Interrogatories, ¶ 18.
10. Though the incident took place on November 24, 2010, Plaintiff did not notify Defendant until just before filing the suit in November 2020. Ex. B, Littlefield Dep. 14:19–21, 136:19–24.
11. The patient in the rear of the ambulance present with Plaintiff passed away on February 28, 2013, and had not discussed any incident occurring therein with that patient’s spouse. Ex. E, Spouse of Patient Dep. 8:22–11:13, 14:6–11; Ex. F, EMS Report.
12. Footage from video cameras recording at the time of the incident at St. Luke’s Hospital would have been lost within thirty to sixty days via rerecording. Ex. G, Ronald Birdsong Dep. 8:1–3, 8:21–23, Jun. 13, 2022.
13. Video recording could have depicted vehicles backing out of the parking spots. *Id.* at 18:24–19:8, 47:21–48:13.¹
14. Firefighter Coughlin stopped at a stop sign at the tip of a red area contained in the overhead picture, proceeded into the tunnel of St. Luke’s Hospital, and stopped the ambulance. Ex. C, Coughlin Dep. 23:12–22, 54:4–20; Ex. H, overhead map with arrows (Coughlin Ex. C).
15. If a request came, depending on the source of the request, within the thirty-to-sixty day window in 2010, the video footage would have been copied to disc and Mr. Birdsong could

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have produced it to his risk management team (which would have preserved any produced recording). Ex. G, Birdsong Dep. 37:15–39:24, 43:14–44:2; *see also id.* at 44:9–18.

16. If the police would have asked for such a recording, it would have been turned over to the police. *Id.* at 44:23–45:16.

17. The surveillance footage from November 24, 2010, no longer exists. *Id.* at 47:14–20.

18. No security reports of St. Luke’s Hospital were found regarding Plaintiff, despite protocol in place for an investigation by a security officer of injuries on the premises. *Id.* at 15:13–23; Ex. I (Depo. Ex. D, security policy, p. 1), 29:24–30:14.

WHEREFORE, for the reasons stated above, Defendant respectfully requests that this Court enter an Order granting summary judgment in favor of Defendant and against Plaintiff, for costs, and for such further relief this Court deems just and proper.

/s/ Robert T. Plunkert

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I, the undersigned, certify that a copy of the foregoing has been electronically served on all counsel of record via the Missouri eFiling System, or U.S. mail for parties not registered for the Missouri eFiling System, on this 13th day of July, 2022, to:

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/s/ Robert T. Plunkert